

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
)
) MDL NO. 1456
) Civil Action No. 01-12257-PBS
)

THIS DOCUMENT RELATES TO THE
AMENDED MASTER CONSOLIDATED
CLASS ACTION

) Hon. Patti B. Saris
)
) Chief Mag. Judge Marianne B. Bowler
)
)

**DECLARATION OF MICHAEL DEMARCO IN SUPPORT OF
THE TRACK TWO DEFENDANTS' MOTION TO RENEW THEIR MOTION TO
COMPEL (DOCKET ENTRY NO. 2162) DIRECTED TO
THIRD-PARTY NATIONAL HERITAGE INSURANCE COMPANY IN ITS CAPACITY
AS THE MEDICARE PART B CARRIER FOR MASSACHUSETTS AND
REQUEST FOR HEARING ON MAY 9, 2006**

I am a partner in the law firm of Kirkpatrick & Lockhart Nicholson Graham LLP,
representing Defendant Aventis Pharmaceuticals, Inc. I offer this declaration in support of the
Track Two Defendants' Motion to Renew Their Motion to Compel (Docket Entry No. 2162)
Directed to Third-Party National Heritage Insurance Company in its Capacity as the Medicare
Part B Carrier for Massachusetts and Request for Hearing on May 9, 2006.

1. Attached as Exhibit A is the April 19, 2006 letter from Michael DeMarco to Gary S. Starr.
2. Attached as Exhibit B is the April 21, 2006 letter from Gary S. Starr to Michael DeMarco.
3. Attached as Exhibit C is the April 28, 2006 letter from Michael DeMarco to Gary S. Starr.
4. Attached as Exhibit D is the April 28, 2006 email from Gary S. Starr to Aimée E. Bierman

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 28, 2006

/s/ Michael DeMarco
Michael DeMarco